37

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D.L.-33004/99

# भारत का राजपत्र
# The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1270] नई दिल्ली, मंगलवार, दिसम्बर 6, 2005/अग्रहायण 15, 1927

No. 1270] NEW DELHI, TUESDAY, DECEMBER 6, 2005/AGRAHAYANA 15, 1927

## गृह मंत्रालय

### अधिसूचना

नई दिल्ली, 6 दिसम्बर, 2005

**का.आ. 1723(अ).**—केन्द्रीय सरकार ने, विधि विरुद्ध क्रिया-कलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 672(अ), तारीख 17 मई, 2005 द्वारा दीनदार अंजुमन को विधि विरुद्ध संगम होना घोषित किया था;

और, केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 822(अ), तारीख 14 जून, 2005 द्वारा विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण का गठन किया था, जिसमें दिल्ली उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री आर.सी. चोपड़ा थे;

और, केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह न्यायनिर्णयन के प्रयोजन के लिए कि क्या उक्त संगम को विधि विरुद्ध घोषित किए जाने का पर्याप्त कारण था या नहीं, 15 जून, 2005 को उक्त अधिकरण को उक्त अधिसूचना निर्दिष्ट की थी;

और, उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिसूचना सं. का.आ. 672(अ), तारीख 17 मई, 2005 में की गई घोषणा की पुष्टि करते हुए, तारीख 14 नवंबर, 2005 को एक आदेश पारित किया था।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उप-धारा (4) के अनुसरण में उक्त अधिकरण के आदेश को प्रकाशित करती है, अर्थात् :—

(संपूर्ण आदेश अंग्रेजी पाठ के साथ छपा है)

[फा. सं. 17014/14/2005-एनई-III]

बी. ए. कुटीनो, संयुक्त सचिव

## MINISTRY OF HOME AFFAIRS

### NOTIFICATION

New Delhi, the 6th December, 2005

**S.O. 1723(E).**—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared the Deendar Anjuman to be unlawful association *vide* notification of the Government of India in the Ministry of Home Affairs number S.O. 672(E) dated 17th May, 2005;

And, whereas, the Central Government in exercise of the powers conferred by sub-section (1) of Section 5 of the said Act constituted *vide* notification of the Government of India in the Ministry of Home Affairs number S.O. 822(E) dated 14th June, 2005, the Unlawful Activities (Prevention) Tribunal, consisting of Mr. Justice R.C. Chopra, Judge of the Delhi High Court;

And, whereas, the Central Government in exercise of the powers conferred by sub-section (1) of Section 4 of the said Act referred the said notification to the said Tribunal on 15th June, 2005 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful;

And, whereas, the said Tribunal, in exercise of the powers conferred by sub-section (3) of Section 4 of the said Act, made an order on the 14th November, 2005 confirming the declaration made in the notification number S.O. 672(E) dated 17th May, 2005.

Now, therefore, in pursuance of sub-section (4) of Section 4 of the said Act, the Central Government hereby publishes the order of the said Tribunal, namely :—

[F. No. 14017/14/2005-NI-III]

B. A. COUTINHO, Jt. Secy.

Before The Tribunal constituted under Section 5 of the Unlawful Activities (Prevention) Act, 1967.

**In the matter of** :

Gazette Notification No.S.O.-672 (E) dated 17.5.2005 declaring Deendar Anjuman an Unlawful Association under Section 3(1) of Unlawful Activities (Prevention) Act, 1967.

**CORAM :**

**HON'BLE MR.JUSTICE R.C.CHOPRA**

Present :

P.P. Malhotra, ASG with Mr.Siddharth Mridul, Mr.Shailendra Sharma and Ms.Pragya Gupta Advocates for Union of India

Mr.K.N. Balgopal, counsel for Deendar Anjuman, the Association.

ORDER

Vide a Notification No.S.O.672 (E) dated 17th May, 2005, published in The Gazette of India, the Central Government declared the Association "Deendar Anjuman" an unlawful Association under Section 3(1) of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as 'the Act' only). By virtue of the powers vested under Sub-section (3) of Section 3 of the Act, the Notification was given effect from the date of its publication in the Official Gazette. A Gazette Notification No.S.O. 822 (E) dated 14th June, 2005, was also

issued constituting the present Tribunal for adjudicating whether or not there is sufficient cause for declaring **Deendar Anjuman** an unlawful association.

On receipt of the reference, a notice under Section 4(2) of the Act was issued to the Association to show cause, within 30 days of the service of notice, as to why the Association be not declared unlawful. The notice was served upon Syed Amanath Hussain (Administrator), Syed Siddiqui Hussain (General Secretary), Moulana Syed Basha (General Secretary) and one Syed Zabiullah Hussain (Organizer) of Deendar Anjuman at the address of the Association at Hyderabad (Shri Moulana Syed Basha, former General Secretary of the Association has been attending various hearings of the Tribunal along with the counsel representing the Association). The notice was published in various newspapers and was broadcast on Radio as well as T.V. in the State of Andhra Pradesh where the office of **Deendar Anjuman** is situated. A reply was received from the Association **"Deendar Anjuman"** on 5.8.2005 in which various pleas were raised to contend that there were no good grounds for declaring the Association an Unlawful Association.

Vide orders dated 11.8.2005, the Central Government as well as the States of Andhra Pradesh, Maharashtra, Karnataka and Goa were directed to file their evidence along with the documents within two weeks. The Association as well as

general public were also permitted to place evidence and material on record which could enable the Tribunal to decide as to whether or not there is sufficient cause for declaring the Association unlawful. The sittings of the Tribunal were ordered to be held at Hyderabad, Aurangabad, Bangalore and Goa also for recording evidence. It was also ordered that in the four States noted above, public notices be issued at least three days prior to the date of first sitting of the Tribunal so that the person(s) interested in making depositions may file their evidence on affidavits with the Tribunal. It was also ordered that the evidence would be recorded by the Tribunal in terms of Section 9 read with Rule 3 of the Unlawful Activities (Prevention) Act, 1967.

At Hyderabad, the Tribunal held its sitting on 2nd, 3rd and 4th September, 2005. The State Government examined, PW-1, Shri C. Jaya Ram Reddy, Additional Superintendent of Police. No witness was examined by the Central Government nor any public witness came forward for making deposition. At Aurangabad, the sitting of the Tribunal were held on 9th, 10th and 12th September, 2005. The State of Maharashtra produced PW-2, Smt. Prachi Sitaram Badhe, Additional Deputy Commissioner of Police whose statement was recorded. No witness was examined by the Central Government nor any public witness appeared for making deposition. The Tribunal

held its sitting at Bangalore on 23rd, 24th and 25th September, 2005. The State of Karnataka examined PW-3, Shri M.B. Appanna, Assistant Commissioner of Police. The Central Government did not produce any witness. However, public witnesses, AW-1 Dr. M. Chidananda Murthy, AW-2 Maulana Khalid Baig Nadavi, AW-3 Shri T.R. Akbar Khan, AW-4 Shri Ramakrishna Rao, AW-5 Shri G.S. Hiranyappa, AW-6 Shri N. Janardhana Rao Magar, AW-7, Shri V. Ramesh Babu, AW-8 Shri Venkatesh and AW-9, Moulana Aftekar Ahamed Khasami appeared and made their depositions before the Tribunal. The Tribunal thereafter held its sitting at Goa on 12th, 13th and 14th October, 2005. At Goa, the State examined PW-4, Shri F.A.M. Fernandes, Deputy Superintendent of Police, CID, Special Branch of Goa. No witness was produced by the Central Government at Goa. No public witness turned up for making a statement. The Central Government examined PW-5, Shri A.K. Jain, Joint Secretary to the Government of India at New Delhi. The Association did not produce any witness in the inquiry.

The background note submitted along with the Notification issued by the Central Government on 17th May, 2005, reveals that **Deendar Anjuman** was established in the year 1924 by Hazarat Maulana Siddique who claimed that he was incarnation of Basasveshwar who had established

Veerashaivism in 12th Century. Modern Lingayats of Kamataka State and Andhra Pradesh belong to the said sect.

The followers of Hazarat Siddique, mostly muslims, established **Deendar Anjuman Ashram** at Asif Nagar, Hyderabad. Syed Zia-ul-Hassan, the son of Maulana Siddique, migrated to Pakistan after partition and settled at Mardan, Pakistan. According to Central Government, he had set up **Jamaat Hizbollah Mujahideen** also in Pakistan which is a militant outfit. He used to visit the tomb of his father at Hyderabad every year during Urs along with his sons. During these visits, he and his sons engaged themselves in organising a band of disgruntled Muslim youth for launching Jehad in India with the object of total Islamisation of the sub-continent. During his visit in October, 1999, Syed Zia-ul-Hassan spelt out his plans to create disturbances by promoting hatred between Christians, Hindus and other communities and also directed his followers to attack Christians so that there may be international pressure on the Government of India. He also resolved that Anjuman flag be hoisted on Red Fort after intrusion into India through Kashmir with 9 lac Pathans in the year 2000. He exhorted his followers to create a conducive situation for welcoming him by carrying out sabotage in the southern States.

According to the background note, the objective of

**Deendar Anjuman** in India and **Jamaat Hizbollah Mujahideen** in Pakistan was to indulge in anti-India activities through subversion, sabotage and espionage and creation of hatred between communities, training of activists and targeting infrastructure and VIPs with a view to weaken India. The Central Government came across evidence indicating links between Syed Zia-ul-Hassan and several terrorists belonging to Al- Badr. The details of the incidents of bomb explosions in the States of Andhra Pradesh, Karnataka and Goa in the year 2000 were given. It was also stated that in the wake of an explosion in a Maruti van in July, 2000, at Bangalore, it was found that the three persons travelling in the van, who had died, belonged to **Deendar Anjuman** and the documents recovered from the van as well as from the house searches of suspects showed involvement of activists of **Deendar Anjuman** in carrying out explosions in churches with a view to turning Christians against Hindus. The documents, which included anti-Christian literature recovered from the scene of crime, showed anti-Christian slogans and one of the title was *"Tamam Hindustan Musalman Hone Wala Hai"*. It was stated that investigations disclosed that in the year 1993, Patkistani establishment was asking Syed Zia-ul-Hassan to direct his supporters to carry out blasts in souther India. He could not comply with the directions and as such had fallen out with

Pakistani establishment. However, later on, he re-built bridges with them. Computer floppies containing details of nuclear and strategic defence establishments were recovered from the suspected **Deendar Anjuman** activists arrested in Andhra Pradesh and Karnataka during May/June, 2000.

On 28th April, 2001, **Deendar Anjuman** was declared an Unlawful Association which declaration was upheld by the Tribunal constituted under the Unlawful Activities (Prevention) Act. The Government of Andhra Pradesh informed the Central Government that 14 cases were registered in Andhra Pradesh against the followers of Deendar Anjuman, three of which ended in conviction. Appeals against acquittals had been filed in the remaining 11 cases. The Government of Andhra Pradesh informed the Central Government that the Association was still indulging in activities prejudicial to the security of the country and was having great potential for disturbing peace and communal harmony in the country. The Karnataka Government was also of the same view and apprehended that the members of this Association were likely to indulge in similar acts endangering the sovereignty of the country. It was found that the modus operandi behind the bomb blasts in Andhra Pradesh and in Masjids in Parbhani, Pune, Jalna and Nagpur in Maharashtra was similar. The Government of Maharashtra also stated that in case the ban was lifted, the unlawful activities of

**Deendar Anjuman** were likely to increase.

One Sheikh Moinuddin, who was absconding since 2000 and was wanted in the series bomb blasts in Andhra Pradesh, Karnataka and Goa was arrested on 13th March, 2004 in Latur. The police recovered **Deendar Anjuman** literature from him including some pamphlets containing derogatory remarks about Christians as well as Hindus. During interrogations, Sheikh Moinuddin revealed that he had motivated some **Deendar Anjuman** activists including his son for undertaking arms training at Mardan, Pakistan and had even arranged their passports with the money received as donation for **Deendar Anjuman**. He also disclosed that Syed Zia-ul-Hassan had entrusted him the responsibility of collecting donations in India and carrying the same to Pakistan. He also confessed to have handed over certain defence documents to Syed Zia-ul-Hassan in Pakistan. He was aware of the conspiracy hatched by **Deendar Anjuman** activists to desecrate the statues in Maharashtra, Andhra Pradesh and the conspiracy to cause explosions in Andhra Pradesh, Karnataka and Goa. The Central Government found that even after imposition of ban with effect from 26th April, 2003, Syed Jaffer Sadiq, President of **Deendar Anjuman** had visited the office of **Deendar Anjuman** and after prayers held meetings with his followers and asked them to continue to propagate the ideals of **Deendar Anjuman**. The

inputs received from the State Governments and Central Intelligence Agency reveal that **Deendar Anjuman** activists were still indulging in activities for which the organisation was banned and in case the ban was lifted, they were likely to create tension among Christians and other communities and sabotage vital installations.

In response to the notice under Section 4(2) of the Act, the Association filed a reply pleading that the first ban imposed upon it in the year 2001 was unjust and the second ban imposed in the year 2003 also was unwarranted as it was on the old, stale allegations against the Association. It was submitted that the Act does not provide for extension of ban or for re-imposition of the ban. The Government of India had converted the power of promulgation of ban under the Act into a power of endless re-promulgation of the ban at the end of every two years based on stale allegations. It was submitted that the six grounds listed by the Central Government while imposing ban on 17.5.2005, were identical to the grounds taken in the ban imposed on 28.4.2001. It was stated that all the 11 trials for causing explosions in Andhra Pradesh had ended in acquittals and the Government of Andhra Pradesh had not filed any appeal against those acquittals. The allegations in regard to the activities of the Association being communal and anti-national were vague expressions. It was also pleaded that

giving effect to the ban with immediate effect was on invented and far-fatched appprehensions. It was also prayed that the Tribunal may hold its sittings at Hyderabad so that the Association may effectively defend itself.

I have heard Shri P.P, Malhotra, learned Additional Solicitor General, and Shri Siddarth Mridul, Advocate, appearing for the UOI and Shri K.N. Balgpoal, learned counsel for Deendar Anjuman. Learned counsel for the Association has submitted written arguments also.

Before dealing with the submissions made by learned A.S.G. and learned counsel for the Association, this Tribunal would like to make it clear that the adjudication by this Tribunal has to be judicial in nature and on the basis of the material brought on record. Going by the *ipse dixit* of the Central Government and putting its stamp of approval on the declaration made by the Central Government would tantamount to abdication of its functions. In the case of ***Jamaat-E-Islami Hind*** v. ***Union of India***; reported in (1995) 1 Supreme Court Cases 428, the Apex Court had clearly held that the terms adjudication' and `sufficient cause' as used in Section 4(1) of the Act contemplate an inquisitorial inquiry by the Tribunal into the material on which the Notification under Section 3(1) stands issued by the Central Government, cause shown by the Association in response to the notice and other

material and evidence brought on record. It was held that the procedure laid under the Act contemplates an objective determination of the question as to whether or not there is sufficient cause for declaring the Association unlawful. The test of greater probability was held to be the pragmatic test applicable in the context. The judicial scrutiny of the material placed before the Tribunal should satisfy the minimum requirements of natural justice .so that the decision of the Tribunal is its own opinion formed on material placed before it and not a mechanical approval of the opinion of the Central Government. The Supreme Court considered the case of United States Supreme Court in paragraph 23 of its judgment, which reads as under:-

*"23. In John J.Morrissey and G.Donald Booher V. Lou B.Brewer the United States Supreme Court, in a case of parole revocation, indicated the minimum requirements to be followed, as under : (L Ed pp.498-99)*

*"Our task is limited to deciding the minimum requirements of due process. They include (a) written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless*

*the hearing officer specifically finds good cause for not allowing confrontation); (e) a neutral and detached' hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the factfinders as to the evidence relied on and reasons for revoking parole. We emphasise there is no thought to equate this second stage of parole revocation to a criminal prosecution in any sense. It is a narrow inquiry; the process should be flexible enough to consider evidence including letters, affidavits, and other material that would not be admissible in an adversary criminal trial."*

In paragraph 26 of the judgment it was observed that judicial scrutiny implies a fair procedure to prevent the vitiating element of arbitrariness and what is a fair procedure in a given case would depend upon the material constituting the factual foundation of the Notification and the manner in which the Tribunal can assess the truth. It was held that the minimum requirement of natural justice has to be kept in view by the Tribunal but the evidence in such matters is not confined to legal evidence in its strict sense and the scrutiny is not as is done in a criminal trial.

This Tribunal, therefore, is of the considered view that the proceedings before the Tribunal are not at par with proceedings in a criminal trial which is adversarial in nature and in which the prosecution is required to prove its allegations beyond reasonable doubt. The proceedings being inquisitorial in nature the evidence before the Tribunal may not be strictly legal evidence. In a criminal trial, statements of the witnesses under Section 161 Cr.P.C., case diaries, etc., cannot be read in evidence but in these proceedings even such material can be looked into and taken note of by the Tribunal for adjudicating as to whether or not there is sufficient cause for declaring the Association unlawful. The Tribunal does not hold trial against any one booked under the Act or for other unlawful activities but is constituted to adjudicate as to whether there is sufficient material or not to make a declaration that the Association is unlawful. The Tribunal has to form its own opinion in terms of Section 4(1) of the Act in regard to sufficiency of material. The considerations of maintaining law and order and protecting the sovereignty and integrity of the country justify a declaration without a deep probe as the

provisions of the Act are aimed at preventing unlawful activities of the Associations. Adjudication by the Tribunal is a safeguard against mala fide and colourable exercise of powers by the Central Government under the Act so as to ensure that no Association is victimized for reasons other than security of the State and maintenance of law and order.

The first contention of the learned counsel for the Association is that the Central Government has no power to renew or re-impose a ban. This plea cannot be sustained for the reason that there is nothing in the Act to say that the Government has no power to issue successive notifications under Section 3(1) of the Act. It is true that there is no provision in the Act regarding renewal of the ban but the power to impose a ban includes within its ambit the power to re-impose a ban also if the conditions essential for imposition of the ban continue to exist. If the contention of learned counsel for the Association is upheld, the result would be that an Association found indulging in unlawful activities, as defined under the Act, may be banned for a period of two years only and never thereafter. This would lead to a

situation where after expiry of the first ban, the Association may get engaged in unlawful activities again with vengeance knowing that the Central Government has no powers to re-impose the ban. The Act, which is aimed at controlling and curbing unlawful activities of the Associations does not render the Central Government/State Government helpless in the matter and as such, it has to be held that if the conditions/grounds for re-imposition of the ban on an Association exist, the same may be re-imposed in accordance with law.

Learned counsel for the Association has also contended that the notification in question is liable to be cancelled inasmuch as it was issued on old and stale grounds and without application of mind. He argues that the comparison of the notification in question with earlier notifications issued by the Central Government, while imposing bans on the Association, reveals that this ban has been imposed on absolutely identical and similar grounds. Learned ASG has repudiated this argument by submitting that if the allegations and the grounds for imposing the earlier bans were similar and identical to

those, which were found for imposing the present ban, the language as well as grounds could be similar and identical and as such, it does not ipso facto establish that the declaration was made without application of mind or mechanically. A perusal of the records shows that the present declaration was based on the inputs by the Intelligence Agencies and the material brought to the notice of the Central Government by the State Governments. The allegations against the Association as well as apprehensions of the State Governments and Intelligence Agencies were similar to those which were there while recommending the earlier bans and as such, nothing turns on this question. The ministerial staff usually picks up threads from old records and tries to initiate proposals in the same language and tenor used earlier with which no fault was found. It is done to avoid mistakes. It, therefore, cannot be held that on account of use of similar or identical language in the present notification, the notification has to be held mechanical or without application of mind.

A perusal of the reports made by the earlier two Tribunals comprised of Hon'ble Mr.Justice Manmohan

Sarin and Hon'ble Mr.Justice Vikramajit Sen, both Hon'ble Judges of Delhi High Court, reveals that in the earlier two inquiries, sufficient material was placed before the Tribunals to justify the imposition of ban on the Association. After recording evidence, the Hon'ble Judges found that there was enough material to establish that the members of the Association were indulging in unlawful activities and had plans to create disturbances by promoting hatred between different religious communities in the country. The activities, aims and objects of the Association were found to be detrimental to peace, communal harmony, internal security and maintenance of secular fabric of India. Hon'ble Mr.Justice Vikramajit Sen had specifically held that the activities of Deendar Anjuman were falling within the ambit of Section 2(f) of the Act and as such, there was sufficient cause for declaring it an unlawful Association. Earlier, Hon'ble Mr.Justice Manmohan Sarin had also held, on the basis of the evidence placed before him, that the members of Deendar Anjuman were indulging in unlawful activities in a concerted manner and their activities were punishable under Section 153-A and 153-B of the Indian Penal Code.

Since the earlier activities of the members of the Association were not in too distant past, this Tribunal can examine as to whether the Association has given a go-by to its earlier designs so as to hold that the Central government had no justification for re-imposing the ban.

The earlier two Tribunals had held that the aims, objects and activities of the Association were unlawful and in case there are fresh inputs and material to show that the Association is still persisting in its activities and pursuing its unlawful designs, it may not be possible for this Tribunal to hold that the Association has stopped pursuing its unlawful objects for which the Association stood banned twice earlier. This Tribunal would like to observe that in case there was a change of heart of the Association, its office bearers could have publicly pronounced that they were not for any unlawful and disruptive activities and could call upon their members not to indulge in unlawful activities and work for the integrity of the country and harmony amongst different religious sections of the society. No such move was ever made by the Association or its members after first two bans. Not only this, if the Association and its members

had stopped all their unlawful activities or their aim was really to promote harmony amongst different religious sections of the society the Association could have moved the Central Government under Section 6(2) of the Act for cancelling the earlier notifications or the present notification. Section 6(2) of the Act empowers the Central Government to cancel a notification issued under Section 3 of the Act whether or not the declaration made therein has been confirmed by the Tribunal. The absence of any such move by the Association raises doubts about bonafides of Association and indicates that the Association, its office bearers and its members are not willing to give up their designs to disrupt communal harmony in the country and destroy the integrity and sovereignty of the country.

Learned counsel for the Association has contended that the Central Government has not been able to establish on record that after the second ban and before the imposition of the present ban, the Association, its office bearers or its members had indulged in any unlawful act as defined under the Act. It is submitted that the evidence produced by the Government before

the Tribunal does not show that any member of the Association has been arrested or prosecuted for any unlawful act after the imposition of the second ban. On the other hand, learned ASG has submitted that the commission of any offence under the Act or under Indian Penal Code after the second ban and prior to the promulgation of the present ban is not a *sine qua non* for imposing a ban under Section 3(1) of the Act and in case the Central Government had enough material to entertain a reasonable apprehension that the Association and its members are likely to indulge in unlawful activities in case ban is not imposed, the Tribunal must hold that there is sufficient cause for imposing the ban. He refers to the statements of PWs-1 to 4 as well as public witnesses AW-1 to 8, which show that the members of the Association are still active and pursuing their goal of creating communal disturbances as well as destabilization of the country. He refers to the statement of one Sheikh Moinuddin, who was a proclaimed offender in the serial bomb blast cases in the States of Andhra Pradesh, Karnataka and Goa in the year 2000. He was arrested on 13.3.2004. During his interrogations, he

made a disclosure statement, which is with the Central Government in which, he admitted his involvement in the serial bomb blasts and added that members of the Association were responsible for causing the same. He also stated that members of the Association were taken to Pakistan for training and he had been collecting funds, donations for the Association, which were taken to Pakistan. He refers to the leaders of the Association, who are based in Pakistan and admits that under their advice, he had gone underground after the bomb blasts and was under instructions to continue with unlawful activities so as to destabilize India and spread communal hatred. The evidence of PWs-1 to 4, who are all Police Officers belonging to different States shows that in spite of ban, the members of **Deendar Anjuman** have not put an end to their unlawful activities and they still nurture a desire to create disturbances in the country. AWs-1 to 8, who are public witnesses and belong to Hindu as well as Muslim communities, have also deposed that the members of the Association are still pursuing their aims secretly with a view to destabilize the country. They have also stated that the leaders of Association keep on

talking of communal harmony outwardly but in fact, they intend to indulge in unlawful activities. The statements of all these witnesses have a ring of truth and have not bee effectively controverted. This Tribunal does not find any reason on record as to why they should make false statements. It has also come in the evidence of Sheikh Moinuddin and some others that the leaders of the Association believe in total Islamization of India and in one of their pamphlets, it was also stated that entire India will be of Muslims.

AW-2 Maulana Khalid Baig Nadavi, a public witness who volunteered to make a deposition before the Tribunal at Bangalore, not only made his oral deposition but also placed on record a copy of the book ***"Imamul Jehad"*** printed and circulated by the Association. It contains a picture Exhibit AW-2/B in which map of India is shown with a Muslim standing towards the side of Pakistan with a gun in his hand, aimed towards different religious sections of India. By aiming a gun towards different religious sections of India, this picture demonstrates communal hatred of the Association towards the religions of India and in a way exhorts

Mohammedans to finish them. This material read with the statements of the witnesses, confession of Sheikh Moinuddin and the inputs provided by the Intelligence available with the Central Government clearly establish on record that the Association has been indulging in unlawful activities as held by the earlier two Tribunals and in spite of the earlier bans, the Association has not given a go-by to its designs and as such, the Central Government was fully justified in concluding that in case the Association was not banned for a further period of two years, its members may again become active and start openly indulging in unlawful activities.

It is also worth mentioning that the Association has not produced any evidence before the Tribunal to rebut the evidence led by the Government and to controvert the allegations being made against it. No office bearer of the Association has entered the witness box even to say that the allegations being made against the Association are false and it has never and it will never indulge in any anti-national or subversive activity or that its aim is to promote goodwill amongst different religions and protect the integrity and sovereignty of India. It is

also not stated by anybody that the accused involved in serial bomb blast cases or earlier criminal cases were not members of the Association or the cases against them were false. It has come on record that out of 11 criminal cases, three have ended in conviction and eight have been acquitted. Appeals against acquittals have already been filed. It is not stated by anybody that picture Exhibit AW-2/B was not published by the Association. Therefore, this Tribunal has no hesitation in coming to the conclusion that there is sufficient material on record to conclude that the Association is only lying low and is still engaged in unlawful activities and its members are secretly doing whatever they can to destroy the secular fabric of India and destabilize its sovereignty and integrity. An objective appreciation of the evidence and material placed before this Tribunal makes it clear that the apprehensions of the Central Government are well founded and in case no ban is imposed on this Association, its members would become active again and pose a serious threat to India. The material and inputs available with the Central Government and as brought to the notice of this Tribunal are reliable and trustworthy and there is no reason to

reject or discard the same. It is also shown on record that the Association and its leaders are getting support from some foreign countries also, which have been engineering terrorist activities in India.

This Tribunal, therefore, has no hesitation in concluding that there is sufficient cause for declaring **Deendar Anjuman** to be unlawful and as such, the Notification No.S.O.672 (E) dated 17th May, 2005 issued by the Central Government stands confirmed.

The reference stands answered.

November 14, 2005

R.C. CHOPRA,
Unlawful Activities (Prevention) Tribunal

Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.